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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

CHERUBIN, YVESTE GILBERTE

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 06/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,679

Applicant(s)

LUCIANO ET AL.

Examiner

Yveste G. Cherubin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 92-103 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 92-103 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment of the Application No. 09/742,679 received on March 26, 2002 in which claims 1-91 are cancelled and claims 92-103 added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- a. Claims 92-93, 97-98, 102-103, are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo (US Patent No. 4,752,068) in view of Stockdale et al. (US Patent No. 6,2514,014).

As per claims 92, 97-98, 102-103, Endo discloses a video gaming machine capable of storing the status of a gaming session at a time of interruption or suspension and restore the session at a later time from where it was interrupted or suspended. However, Endo fails to include a printer connected to his device, instead Endo discloses using a password, which is displayed to the player at the time of suspension. In order to resume the gaming session, Endo provides an input device into which the password and a player identification are inputted. Stockdale on the other hand discloses a gaming machine such as a slot machine, video slot machine, etc., having a plurality of gaming peripherals such as ticket printers, card or ticket reader, to name a few, connected thereto. Stockdale discloses that many of these devices are built into the

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gaming machine or grouped together in a separate box commonly called a top box. It would have been obvious at the time the invention was made to modify Endo's type system and include a ticket printer and a card or ticket reader into Endo's system in order to provide printed ticket to players. Such modification would prevent players from having to memorize a bunch of numbers, which have no personal meaning to players and which could be easily forgotten. As per claim 93 having a game comprising a primary and a secondary games are known. Having printed ticket that has indicia identifying a player's state of the secondary game would have been a matter of design choice. Endo discloses that regardless of the progress of the game, the game is interrupted whenever one playing time has passed. Reading this passage, it's obvious that a device could be configured to interrupt or suspend a gaming session at any stage of the game, therefore if one chooses to have his gaming system configured to be interrupted during the play of the secondary game, it would be obvious to have the printed ticket having indicia identifying the player's state of the secondary game. The Examiner notes that Endo's system is being implemented on a video gaming machine, however, video slot machines are known therefore it would be obvious to implement Endo's system on a slot machine or video slot machine.

b. Claims 95, 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo in view of Stockdale et al. as applied to claims 92-93, 97-98, 102-103 above, and further in view of Yoseloff (US Patent No. 6,312,334) and Burns et al. (US Patent No. 6,048,269).

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As per claims 95, 100, Endo in view of Stockdale disclose the claimed invention as substantially as explained above. Endo in view of Stockdale fail to disclose a secondary game requiring a collection of game pieces to win a bonus prize. Yoseloff discloses a wagering game wherein when the player wins a certain number of games or achieves a predetermined skill level in a game, a second screen or secondary game will appear which either permits the player to play the same game at a higher skill level or allows the player to engage in a special feature of that game such as collect additional game pieces or 'lives' in Mario Brothers.RTM to win a bonus prize, 1:66-67, 2:1-28; 6:1-25. Looking at the printed tickets or slips in the Burns et al. reference of Figs. 2-4, it's obvious that any types of indicia can be printed on a ticket. In other words, having any types of information printed on a ticket would be a matter of design choice. One of ordinary skill in the art would be motivated to include as many types of indicia as possible on a printed ticket in order to make it as clear as possible, so there would be no confusion in case a player accumulates other tickets from other gaming machines.

b. Claims 94, 96, 99, 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo in view of Stockdale et al. as applied to claims 92-93, 97-98, 102-103 above, and further in view of Yoseloff (US Patent No. 6,312,334) and Kelly et al. (US Patent No. 6,015,344).

As per claims 94, 96, 99, 101, Endo in view of Stockdale disclose the claimed invention as substantially as explained above. Endo in view of Stockdale fail to disclose a secondary game requiring a collection of earned points to win a bonus prize. Kelly

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teaches scoring and collecting points for awards redemption, 8:3-7, 39-46. It would have been obvious to include the point collection system of Kelly into the Endo in view of Yoseloff type system in order to allow players the chance to win more.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. US Patent No. 4,858,930 to Sato which teaches game system.

b. US Patent No. 6,340,331 to Saunders et al. which teaches cashless peripheral device for a gaming system.

c. US Patent No. 6,398,650 to Horigami et al. which teaches game system, game progress control method.

d. US Patent No. 6,244,958 to Acres which teaches method for providing incentive to play gaming devices connected by a network host computer.

e. US Patent No. 6,113,493 to Walker et al. which teaches system and method for generating and executing insurance policies for gambling losses.

f. US Patent No. 6,394,900 to McGlone et al. which teaches slot reel peripheral device with a peripheral controller therein.

g. US Patent No. 6,302,793 to Fertitta, III et al. which teaches multi-property tracking system.

h. US Patent No. 6,311,976 to Yoseloff et al. which teaches video game with bonusing or wild feature.

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- i. US Patent No. 5,179,517 to Sarbin et al. which teaches game machine data transfer system utilizing portable data units.
- j. US Patent No. 5,265,874 to Dickinson et al. which teaches cashless gaming apparatus and method.
- k. US Patent No. 4,575,622 to Pellegrini which teaches electronic access control system for coin operated games.
- l. US Patent No. 4,342,454 to Baer et al. which teaches method and apparatus for instant replay and other capabilities for microprocessor-controlled video games.
- m. US Patent No. 5,014,982 to Okada et al. Which teaches memory cartridge using the same.

Response to Arguments

- 4. Applicant's arguments with respect to claims 1-91 have been considered but are moot in view of the new ground(s) of rejection.

Final Action

- 5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

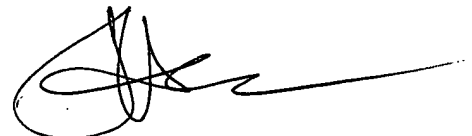
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (703) 306-3027. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

June 12, 2002

ygc



**JESSICA HARRISON
PRIMARY EXAMINER**